

1-26-65

89th CONGRESS
1st Session

IN THE HOUSE OF REPRESENTATIVES

A BILL

To amend the Federal Firearms Act.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 That the first section of the Federal Firearms Act (52 Stat.
4 1250) is amended to read as follows:

5 "That as used in this Act --

6 "(1) The term 'person' includes an individual, partner-
7 ship, association, or corporation.

8 "(2) The term 'interstate or foreign commerce' means
9 commerce between any State or possession (not including the
10 Canal Zone), or the District of Columbia, and any place
11 outside thereof; or between points within the same State or
12 possession (not including the Canal Zone), or the District
13 of Columbia, but through any place outside thereof; or
14 within any possession or the District of Columbia. The

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1 term 'State' shall be held to include the Commonwealth of
2 Puerto Rico, the Virgin Islands, and the District of
3 Columbia.

4 "(3) The term 'firearm' means any weapon, by whatsoever
5 name known, which will, or is designed to, or which may be
6 readily converted to, expel a projectile or projectiles by
7 the action of an explosive; the frame or receiver of any
8 such weapon; or any firearm muffler or firearm silencer; or
9 any destructive device.

10 "(4) The term 'destructive device' means any explosive
11 or incendiary (a) bomb or (b) grenade or (c) rocket or
12 (d) missile or (e) similar device, or launching device
13 therefor (except a device which is not designed or redesigned
14 or used or intended for use as a weapon or part thereof);
15 and the term shall also include any type of weapon by whatso-
16 ever name known (other than a shotgun having a barrel or
17 barrels of 18 or more inches in length), which will, or which
18 is designed to, or which may be readily converted to, expel a
19 projectile or projectiles by the action of an explosive, the
20 barrel or barrels of which have a bore of one-half inch or
21 more in diameter: Provided, That, the Secretary may by
22 regulations exclude from this definition any device which he
23 finds is not likely to be used as a weapon and which is shown

1 to serve a necessary or useful purpose.

2 "(5) The term 'importer' means any person engaged in
3 the business of importing or bringing firearms into the
4 United States for purposes of sale or distribution; and the
5 term 'licensed importer' means any such person licensed
6 under the provisions of this Act.

7 "(6) The term 'manufacturer' means any person engaged
8 in the manufacture of firearms for purposes of sale or
9 distribution; and the term 'licensed manufacturer' means
10 any such person licensed under the provisions of this Act.

11 "(7) The term 'dealer' means (a) any person engaged
12 in the business of selling firearms at wholesale or retail,
13 (b) any person engaged in the business of repairing such
14 firearms or of manufacturing or fitting special barrels,
15 stocks, or trigger mechanisms to firearms, or (c) any
16 person who is a pawnbroker. The term 'licensed dealer'
17 means any dealer who is licensed under the provisions of
18 this Act.

19 "(8) The term 'pawnbroker' means any person whose
20 business or occupation includes the taking or receiving, by
21 way of pledge or pawn, of any firearm as security for the
22 payment or repayment of money.

23 "(9) The term 'indictment' includes an indictment or

1 an information in any court of the United States, the
2 several States, possessions, or the District of Columbia
3 under which a crime punishable by imprisonment for a term
4 exceeding one year may be prosecuted.

5 "(10) The term 'fugitive from justice' means any
6 person who has fled from any State, the District of Columbia,
7 or a possession of the United States (a) to avoid prosecution
8 for a crime punishable by imprisonment for a term exceeding
9 one year, or (b) to avoid giving testimony in any criminal
10 proceeding.

11 "(11) The term 'crime punishable by imprisonment for
12 a term exceeding one year' shall not include any Federal or
13 State offenses pertaining to antitrust violations, unfair
14 trade practices, restraints of trade, or other similar
15 offenses relating to the regulation of business practices
16 as the Secretary may by regulation designate.

17 "(12) The term 'Secretary' or 'Secretary of the Treasury'
18 means the Secretary of the Treasury or his delegate."

19 SEC. 2. Section 2 of the Federal Firearms Act is
20 amended to read as follows:

21 "(a) It shall be unlawful for any person (except an
22 importer, manufacturer, or dealer, licensed under the provi-
23 sions of this Act) to transport, ship, or receive any firearm

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1 in interstate or foreign commerce, except --

2 (1) That in the case of a shotgun or rifle
3 (other than a shotgun or rifle which is subject to
4 the provisions of the National Firearms Act) nothing
5 in this subsection shall be held to preclude an
6 individual traveling in interstate or foreign
7 commerce from transporting such shotgun or rifle
8 (or having such shotgun or rifle transported for him
9 under such conditions as the Secretary shall by
10 regulations prescribe), if such transportation is for
11 a lawful purpose;

12 (2) That in the case of a pistol or revolver,
13 nothing in this subsection shall be held to preclude
14 an individual traveling in interstate or foreign commerce
15 from transporting a pistol or revolver, possessed and
16 carried in conformity with the law of each particular
17 state into (or through) which the pistol or revolver
18 is transported (or having the pistol or revolver
19 transported for him under such conditions as the
20 Secretary or his delegate shall by regulations pre-
21 scribe), if (A) the transportation is for a lawful
22 purpose not including sale or other disposition thereof,
23 and (B) such individual did not acquire the pistol or

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1 revolver in the course of such traveling in inter-
2 state or foreign commerce;

3 (3) That in the case of a shotgun or rifle
4 (other than a shotgun or rifle which is subject to
5 the provisions of the National Firearms Act) or a
6 pistol or revolver nothing in this subsection shall
7 be held to preclude a person from shipping such a
8 firearm to a licensed importer, licensed manufacturer,
9 or licensed dealer for authorized service and the
10 return of such firearm to the sender under such
11 conditions as the Secretary shall by regulations
12 prescribe;

13 (4) That nothing in this subsection shall be
14 construed as making unlawful the shipping or trans-
15 porting of a firearm in interstate or foreign
16 commerce, by a common or contract carrier in the
17 operation of his business or by United States mail,
18 to a licensed importer, licensed manufacturer, or
19 licensed dealer (or such transportation as is other-
20 wise authorized under this Act); and

21 (5) That nothing in this subsection shall be
22 construed as applying in any manner in the District
23 of Columbia or a possession differently than it would

1 apply if the District of Columbia or the possession
2 were a State of the United States.

3 "(b) It shall be unlawful for any licensed importer,
4 licensed manufacturer, or licensed dealer to sell or other-
5 wise dispose of any firearm to any person --

6 "(1) Without satisfactorily ascertaining (in
7 such a manner as the Secretary shall by regulations
8 prescribe) the true identity and place of residence
9 (or business in the case of a corporation or other
10 business entity) of such a person; or

11 "(2) When (in the case of an individual) he
12 knows or has reasonable cause to believe is under 18
13 years of age; or

14 "(3) When he knows or has reasonable cause to
15 believe is not a resident of (or in the case of a
16 corporation or other business entity, who does not
17 have a place of business in) the State in which the
18 importer's, manufacturer's, or dealer's place of
19 business is located; except that this paragraph
20 shall not apply in the case of a shotgun or rifle
21 (other than a shotgun or rifle which is subject to
22 the provisions of the National Firearms Act).
23 This subsection shall not apply in the case of transactions

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1 between licensed importers, licensed manufacturers, and
2 licensed dealers."

3 "(c) It shall be unlawful for any licensed importer,
4 licensed manufacturer, or licensed dealer to sell or other-
5 wise dispose of any firearm received in interstate or
6 foreign commerce to any person knowing or having reasonable
7 cause to believe that such person is under indictment or
8 has been convicted in any court of the United States, the
9 several States, possessions, or the District of Columbia of
10 a crime punishable by imprisonment for a term exceeding one
11 year or is a fugitive from justice.

12 "(d) It shall be unlawful for any person who is under
13 indictment or who has been convicted of a crime punishable
14 by imprisonment for a term exceeding one year, or who is a
15 fugitive from justice, to ship, transport, or cause to be
16 shipped or transported, any firearm in interstate or foreign
17 commerce.

18 "(e) It shall be unlawful for any person who is under
19 indictment or who has been convicted in any court of a crime
20 punishable by imprisonment for a term exceeding one year,
21 or is a fugitive from justice, to receive any firearm which
22 has been shipped or transported in interstate or foreign
23 commerce.

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1 "(f) It shall be unlawful for any person knowingly to
2 deposit, or cause to be deposited for mailing or delivery
3 by mail, or knowingly to deliver, or cause to be delivered,
4 to any common or contract carrier for transportation or ship-
5 ment in interstate or foreign commerce, any package or other
6 container in which there is any firearm, without written
7 notice to the Postmaster General or his delegate or to the
8 carrier (as the case may be) that a firearm is being trans-
9 ported or shipped.

10 "(g) It shall be unlawful for any common or contract
11 carrier to deliver, or cause to be delivered, in interstate
12 or foreign commerce any firearm to any person who does not
13 exhibit or produce evidence of a license obtained under
14 section 3 of this Act or who is not exempted by section 4
15 from the provisions of this Act (except a firearm transported
16 under regulations prescribed under section 2(a)(1), (2) or
17 (3) of this Act).

18 "(h) It shall be unlawful for any person to transport
19 or ship or cause to be transported or shipped in interstate
20 or foreign commerce any stolen firearm, knowing, or having
21 reasonable cause to believe, same to have been stolen.

22 "(i) It shall be unlawful for any person to receive,
23 conceal, store, barter, sell, or dispose of any stolen firearm

1 or pledge or accept as security for a loan any stolen fire-
2 arm, moving as, or which is a part of, or which constitutes
3 interstate or foreign commerce, knowing, or having reasonable
4 cause to believe the same to have been stolen.

5 "(j) It shall be unlawful for any person to transport,
6 ship, or knowingly receive in interstate or foreign commerce
7 any firearm from which the importer's or manufacturer's
8 serial number, as the case may be, has been removed,
9 obliterated, or altered.

10 "(k) It shall be unlawful for any person to import or
11 bring into the United States or any possession thereof any
12 firearm for which a license to import or bring into the
13 United States is required under section 3(e) of the Act,
14 unless such person has first obtained a license from the
15 Secretary, as provided in such section to so import or bring
16 in such firearm.

17 "(l) It shall be unlawful for any person to knowingly
18 receive any firearm which has been imported or brought into
19 the United States or any possession thereof in violation of
20 the provisions of this Act."

21 SEC. 3. Section 3 of the Federal Firearms Act is
22 amended to read as follows:

23 "SEC. 3. (a) Any importer, manufacturer, or dealer

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1 desiring to transport, ship, or receive firearms in inter-
2 state or foreign commerce shall file an application for a
3 license with the Secretary in such form and containing such
4 information as the Secretary shall by regulation prescribe.
5 Each applicant shall be required to pay a fee for obtaining
6 such license (for each place of business) as follows:

7 "(1) If a manufacturer --

8 "(A) of destructive devices, a fee of
9 \$1,000 per annum; or

10 "(B) of firearms (other than destructive
11 devices), a fee of \$500 per annum; or

12 "(2) If an importer --

13 "(A) of destructive devices, a fee of
14 \$1,000 per annum; or

15 "(B) of firearms (other than destructive
16 devices), a fee of \$500 per annum; or

17 "(3) If a dealer --

18 "(A) in destructive devices, a fee of \$500
19 per annum; or

20 "(B) who is a pawnbroker (dealing in fire-
21 arms other than destructive devices), a fee of
22 \$250 per annum; or

23 "(C) in firearms (other than as described

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1 in subparagraph (A) or (B)), a fee of \$100 per
2 annum.

3 "(b) Upon filing by an applicant of the prescribed appli-
4 cation and payment of the prescribed fee, the Secretary shall
5 (except as provided in subsection (c)), issue to such applicant
6 the license applied for, which shall, subject to the provisions
7 of this Act, entitle the licensee to transport, ship, and
8 receive firearms covered by such license in interstate or
9 foreign commerce during the period stated in the license.

10 "(c) Any application submitted under subsections (a)
11 and (b) of this section shall be disapproved and the license
12 denied if the Secretary, after notice and opportunity for
13 hearing, finds that --

14 "(1) the applicant is under 21 years of age; or

15 "(2) the applicant (including in the case of a
16 corporation, partnership, or association, any
17 individual possessing directly or indirectly, the power
18 to direct or cause the direction of the management and
19 policies of the corporation, partnership, or association)
20 is prohibited from transporting, shipping, or receiving
21 firearms in interstate or foreign commerce under the
22 provisions of subsection (d) or (e) of section 2 of
23 this Act; or is, by reason of his business experience,

1 financial standing, or trade connections, not likely
2 to maintain operations in compliance with this Act; or

3 "(3) the applicant has willfully violated any of
4 the provisions of this Act or the regulations issued
5 thereunder; or

6 "(4) the applicant has willfully failed to
7 disclose any material information required, or made
8 any false statement as to any material fact, in
9 connection with his application; or

10 "(5) the applicant does not have, or does not
11 intend to have or to maintain, in a State or
12 possession, business premises for the conduct of the
13 business.

14 "(d) The provisions of section 2(c), (d), and (e) of
15 this Act shall not apply in the case of a licensed importer,
16 licensed manufacturer, or licensed dealer who is indicted
17 for a crime punishable by imprisonment for a term exceeding
18 one year. A licensed importer, licensed manufacturer, or
19 licensed dealer may continue operations pursuant to his
20 existing license (provided that prior to the expiration of
21 the term of the existing license timely application is made
22 for a new license) during the term of such indictment, and
23 until any conviction pursuant to the indictment becomes final,

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1 whereupon he shall be fully subject to all provisions of
2 this Act and operations pursuant to such license shall be
3 discontinued.

4 "(c) Any person desiring to import or bring any
5 firearm into the United States or a possession thereof
6 shall, in addition to complying with all other applicable
7 provisions of law, obtain a license from the Secretary
8 for the importation or bringing in of such firearm.
9 Licenses required under this subsection shall be issued in
10 such form or manner and subject to such conditions as the
11 Secretary shall by regulation prescribe. No license
12 shall be issued under the provisions of this subsection
13 unless it has been established to the satisfaction of the
14 Secretary --

15 "(1) That the firearm is to be imported or brought
16 in for a lawful purpose, and is adequately identified
17 in such manner that proper records of its importation
18 and disposition may be maintained; and

19 "(2) That such firearm is being imported or
20 brought in for scientific or research purposes, or
21 is for use in connection with competition or
22 training pursuant to Chapter 401 of Title 10 of the
23 United States Code; or

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1 "(3) That the firearm to be imported or brought
2 in is unique or so unusual in design or workmanship or
3 caliber that a comparable firearm cannot be obtained in
4 the United States or a possession thereof; or

5 "(4) That the importation or bringing in of such
6 firearm is in the public interest.

7 Applicants for licenses under the provisions of this sub-
8 section shall pay a fee of \$10 for each firearm licensed to
9 be imported or brought into the United States.

10 "(F) No licensed importer, licensed manufacturer, or
11 licensed dealer shall sell or otherwise dispose of a
12 destructive device to a non-licensee unless he has in his
13 possession a sworn statement executed by the principal law
14 enforcement officer of the locality wherein the purchaser
15 or person to whom the destructive device is to be disposed
16 of resides, attesting that there is no provision of law,
17 regulation, or ordinance which would be violated by such
18 person's receipt or possession of the destructive device,
19 and until the licensee has submitted a copy of such sworn
20 statement to the Secretary and has received acknowledgment
21 of receipt thereof. Such sworn statement shall be submitted
22 in such form and contain such information as the Secretary
23 shall by regulation prescribe.

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1 "(g) Each licensed importer, licensed manufacturer,
2 and licensed dealer shall maintain such records of
3 importation, production, shipment, receipt, and sale and
4 other disposition, of firearms at such place, for such
5 period and in such form as the Secretary may by regulations
6 prescribe. Such importers, manufacturers, and dealers shall
7 make such records available for inspection at all reasonable
8 times, and shall submit to the Secretary such reports and
9 information with respect to such records and the contents
10 thereof as he shall by regulations prescribe. The Secretary
11 or his delegate may enter during business hours the premises
12 (including places of storage) of any firearms importer,
13 manufacturer, or dealer for the purpose of inspecting or
14 examining any records or documents required to be kept by
15 such importer or manufacturer or dealer under the provisions
16 of this Act or regulations issued pursuant thereto, and any
17 firearms kept or stored by such importer, manufacturer, or
18 dealer at such premises. Upon the request of any State, or
19 possession, or the District of Columbia, or political sub-
20 division thereof, the Secretary of the Treasury may make
21 available to such State, or possession, the District of
22 Columbia, or any political subdivision thereof, any informa-
23 tion which he may possess or which he may obtain by reason of the

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1 provisions of this Act with respect to the identification of
2 persons within such State, or possession, or the District of
3 Columbia, or political subdivision thereof, who have purchased
4 or received firearms in interstate or foreign commerce,
5 together with a description of the firearms so purchased
6 or received.

7 "(h) Each licensed importer, licensed manufacturer,
8 and licensed dealer shall maintain on the exterior and near
9 the entrance of his business premises a sign in clear and
10 readily legible form showing that he is a 'licensed firearms
11 importer', 'licensed firearms manufacturer', or 'licensed
12 firearms dealer', as the case may be, and no other person
13 shall post or maintain such a sign.

14 "(i) Licensed importers and licensed manufacturers
15 shall identify (or cause to be identified) in such manner
16 as the Secretary shall by regulations prescribe, each
17 firearm imported or manufactured by such importer or
18 manufacturer.

19 "(j) All provisions of this Act applicable in respect
20 to the importation or bringing into the United States of a
21 firearm and to persons importing or receiving a
22 firearm shall apply with respect to the importation or
23 bringing in or receipt of ammunition for such a firearm,

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1 except that in lieu of the license fee prescribed in
2 paragraph (4) of subsection (e) of this section for the
3 importation or bringing into the United States of such a
4 firearm, the applicant for a license shall pay a fee of
5 \$10 for each lot of 1000 (or part of such lot) of such
6 ammunition imported or brought into the United States."

7 SEC. 4. Section 4 of the Federal Firearms Act is
8 amended to read as follows:

9 "SEC. 4. (a) The provisions of this Act shall not
10 apply with respect to the transportation, shipment, receipt,
11 or importation of any firearms^{ammunition} imported for or sold or
12 shipped to, or issued for the use of (1) the United States
13 or any department, independent establishment, or agency
14 thereof; or (2) any State^{similar}, or possession, or the District
15 of Columbia, or any department, independent establishment,
16 agency, or any political subdivision thereof.

17 "(b) Nothing contained in this Act shall be construed
18 to prevent shipment of firearms^{ammunition} to institutions, organizations,
19 or persons to whom firearms may be lawfully delivered by the
20 Secretary of Defense or his delegate, nor to prevent the
21 receipt or transportation of such firearms by their lawful
22 possessors while they are engaged in military training or
23 in competitions."

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1 SEC. 5. Subsection (b) of section 5 of the Federal
2 Firearms Act is amended to read as follows:

3 "(b) Any firearm involved in, or used or intended to
4 be used in, any violation of the provisions of this Act or
5 any rules or regulations promulgated thereunder or any
6 violation of the provisions of Title 18 U.S.C. section 111,
7 112, 372, 871, 1114, or 1751 shall be subject to seizure and
8 forfeiture and all provisions of the Internal Revenue Code of
9 1954 relating to the seizure, forfeiture, and disposition of
10 firearms as defined in section 5843(1) of said Code, shall,
11 so far as applicable, extend to seizures and forfeitures
12 under the provisions of this Act."

13 SEC. 6. The amendments made by this Act shall become
14 effective on the date of the enactment of this Act; except
15 that the amendments made by section 3 of this Act to section
16 3(a) of the Federal Firearms Act shall not apply to any
17 importer, manufacturer, or dealer licensed under the Federal
18 Firearms Act on the date of the enactment of this Act until
19 the expiration of the license held by such importer, manu-
20 facturer, or dealer on such date.

21 SEC. 7. The Federal Firearms Act is amended by adding
22 at the end thereof the following new section:

23 "SEC. 10. Nothing in this Act shall be construed as

1 modifying or affecting the requirements of section 414 of
2 the Mutual Security Act of 1954, as amended, with respect
3 to the manufacture, exportation, and importation of arms,
4 ammunition, and implements of war."